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09/832,274	04/10/2001	Eric J. Horvitz	MS150907.2	9444

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EXAMINER
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HOLMES, MICHAEL B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/832,274

Applicant(s)

HORVITZ ET AL.

Examiner

Michael B. Holmes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-29 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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## Examiner's Detailed Office Action

1. This office action is responsive to application **09/832,274**, filed **April 10, 2001**.
2. **Claims 1-29** have been examined.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 & 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mikurak; Michael G.* (USPN 6,606,744 B1) in view of *Peter Kubat*, Estimation of Reliability for Communication/Computer Networks-Simulation/Analytic Approach (IEEE, 1989), in further view of *Kubota et al.* (USPN 6,351,698 B1).

Regarding claims 1 & 17: *Mikurak; Michael G.* discloses an interactive system, (*Mikurak; Michael G. C 112, L 47-65*). *Mikurak; Michael G.* does not disclose a component to assess reliability of a communication and a component to infer a probability associated with an intent of the communication. *Peter Kubat* discloses a component to assess reliability of a communication. (*Peter Kubat Abstract*) *Peter Kubat* does not disclose a component to infer a probability associated with an intent of the communication. *Kubota et al.* discloses a component to infer a probability associated with an intent of the communication. (*Kubota et al. C 18, L 49-57*) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the references because the determination of the vehicle conditions is a matter of great importance to accurate navigation to a designated goal, suitable control of vehicle devices and instruments and safe driving. (*Kubota et al. C 1, L 32-35*)

Regarding claims 2, 3, 18 & 19: a component for taking an action based upon the inferred probability to facilitate achieving a communicative intention. (*Kubota et al. Abstract*)

Regarding claims 4, 7 & 20: wherein the action is at least one of a clarification action or a domain-level action. (*Kubota et al. C 16, L 11-26*)

Regarding claims 8 & 9: wherein the intent of the communication is associated with at least one of acknowledgement, negation, reflection, unrecognized response, and no response.  
(*Kubota et al. Abstract; C 9, L 39-51*)

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Regarding claims 10 & 11: wherein the intent of the communications is influenced by the reliability of the communications. (*Kubota et al.* Abstract; C 9, L 52-63)

Regarding claims 13, 14 & 15: further comprising an animated agent to interact with a communicator to determine the communicator's intent. (*Kubota et al.* Abstract; C 5, L 47 to C 6, L 9)

Regarding claim 16: The system of claim 1, further comprising a development tool that is utilized for a plurality of command and control domains. (*Kubota et al.* Abstract; C 1, L 6-18)

Regarding Claim 21: A computer readable medium having instructions stored thereon for performing the acts of claim 13. (*Kubota et al.* FIG. 1, item 23 ; C 7, L 53-65)

5. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mikurak; Michael G.* (USPN 6,606,744 B1) in view of *Peter Kubat*, Estimation of Reliability for Communication/Computer Networks-Simulation/Analytic Approach (IEEE, 1989), in further view of *Kubota et al.* (USPN 6,351,698 B1), in further view of *Balzer* (USPN 5,327,437).

*Mikurak; Michael G.*, *Peter Kubat*, and *Kubota et al.*, have been discussed above and do not disclose the limitations of claims of 5 & 6. However, *Balzer* teaches the limitations of claims 5 & 6.

Regarding claims 5 & 6: wherein the actions are determined from a confidence threshold associated with an expected utility. (*Balzer* FIG. 1, item 114; C 8, L 13-26) It would have been ob-

vious at the time the invention was made to a person having ordinary skill in the art to combine the references because in order to assure good quality control, many present day electronic assemblies are tested at one or more stages during the manufacturing process. Such measurements are generally conducted by measuring one or more electrical parameters of the electronic assembly by means of automated testing machines. Such parametric measurements are usually associated with some amount of electrical "noise" due to contact resistance in the test probes, temperature variations, component variations and other factors. For each parameter the noise manifests itself by causing repetitive measurements of the parameter to yield different results even if the same device is used for all of the tests. Consequently, when noise is a problem, it is common practice to take a number of measurements of a particular parameter, average the results and compare the average to the acceptable range. (*Balzer* C 1, L 15-27; & L 41-44)

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Mikurak; Michael G.* (USPN 6,606,744 B1) in view of *Weber et al.* (USPN 5,564,005) in further view of *Balzer* (USPN 5,327,437).

Regarding claim 22: *Mikurak; Michael G.* discloses an interactive system, (*Mikurak; Michael G.* C 112, L 47-65) comprising: a first component for analyzing sequential communications including speech, (*Mikurak; Michael G.* C 40, L 45-48). *Mikurak; Michael G.* does not disclose gestures and other modalities related to an underlying communicative intention, the component concurrently employing at least two of the communications in determining an action to facilitate achieving the intention; and a second component to perform the action if the underlying commu-

ncative intention is above a confidence threshold. *Weber et al.* discloses gestures and other modalities related to an underlying communicative intention, (*Weber et al.* C 14, L 28-57) the component concurrently employing at least two of the communications in determining an action to facilitate achieving the intention; (*Weber et al.* C 14, L 28-57). *Weber et al.* does not disclose a second component to perform the action if the underlying communicative intention is above a confidence threshold. *Balzer* discloses a second component to perform the action if the underlying communicative intention is above a confidence threshold. (*Balzer* FIG. 1, item 114; C 8, L 13-26). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the references because in order to assure good quality control, many present day electronic assemblies are tested at one or more stages during the manufacturing process. Such measurements are generally conducted by measuring one or more electrical parameters of the electronic assembly by means of automated testing machines. Such parametric measurements are usually associated with some amount of electrical "noise" due to contact resistance in the test probes, temperature variations, component variations and other factors. For each parameter, the noise manifests itself by causing repetitive measurements of the parameter to yield different results even if the same device is used for all of the tests. Consequently, when noise is a problem, it is common practice to take a number of measurements of a particular parameter, average the results and compare the average to the acceptable range. (*Balzer* C 1, L 15-27; & L 41-44)

### Claims Objection(s)

7. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Allowable Subject Matter

8 Claim 23-29 are allowed.

### Conclusion

9 The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See 37 CFR § 1.111(c).*

### Correspondence Information

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at



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(703) 308-6280. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to (703) 746-7238. If you need to send an Official facsimile transmission, please send it to (703) 746-7239. If you would like to send a Non-Official (draft) facsimile transmission the fax is (703) 746-7240. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Anthony Knight, may be reached at (703) 308-3179.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of Crystal Park II, 2121 Crystal Drive Arlington, Virginia.

**Michael B. Holmes**  
Patent Examiner  
Artificial Intelligence  
Art Unit 2121  
United States Department of Commerce  
Patent & Trademark Office

*Ramesh Patel*  
RAMESH PATEL  
PRIMARY EXAMINER  
8/7/09  
*For Anthony Knight*